



General Assembly

February Session, 2016

***Raised Bill No. 5505***

LCO No. 2234

\* \_\_\_\_\_HB05505LAB\_\_\_\_031516\_\_\_\_\*

Referred to Committee on LABOR AND PUBLIC  
EMPLOYEES

Introduced by:  
(LAB)

***AN ACT CONCERNING LOCAL OR REGIONAL BOARDS OF  
EDUCATION, EXCLUSIVE BARGAINING REPRESENTATIVES AND  
MEMBERS OF THE TEACHING PROFESSION.***

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Section 10-153a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 (a) Members of the teaching profession shall have and shall be  
4 protected in the exercise of the right to form, join or assist, or refuse to  
5 form, join or assist, any organization qualified as a tax-exempt  
6 organization under Section 501(c)(5) of the Internal Revenue Code of  
7 1986, or any subsequent corresponding internal revenue code of the  
8 United States, as amended from time to time, for professional or  
9 economic improvement and to negotiate in good faith through  
10 representatives of their own choosing with respect to salaries, hours  
11 and other conditions of employment free from interference, restraint,  
12 coercion or discriminatory practices by any employing board of  
13 education or administrative agents or representatives thereof in  
14 derogation of the rights guaranteed by this section and sections 10-

15 153b to 10-153n, inclusive, as amended by this act.

16 (b) The organization designated as the exclusive representative of a  
17 teachers' or administrators' unit shall have a duty of fair representation  
18 to the members of such unit on all contract provisions, except, for any  
19 agreement entered into after October 1, 2016, such organization shall  
20 not be required to represent any employee in such unit who is not a  
21 member of such organization for the purposes of grievance  
22 proceedings.

23 (c) Nothing in this section or in any other section of the general  
24 statutes shall preclude a local or regional board of education from  
25 making an agreement with an exclusive bargaining representative to  
26 require as a condition of employment that all employees in a  
27 bargaining unit pay to the exclusive bargaining representative of such  
28 employees an annual service fee, not greater than the amount of dues  
29 uniformly required of members of the exclusive bargaining  
30 representative organization, [which] that represents the costs of  
31 collective bargaining [,] and contract administration; [and grievance  
32 adjustment;] and that such service fee be collected by means of a  
33 payroll deduction from each employee in the bargaining unit.

34 (d) Nothing in this section or in any other section of the general  
35 statutes shall preclude a local or regional board of education from  
36 making an agreement with an exclusive bargaining representative to  
37 require such local or regional board of education to pay to such  
38 exclusive bargaining representative an annual service fee that  
39 represents the costs incurred by such exclusive bargaining  
40 representative for providing services to employees in a bargaining unit  
41 that may include, but need not be limited to, services directly related to  
42 collective bargaining for salaries, hours and other conditions of  
43 employment, contract administration, professional development  
44 services, including, but not limited to, those services described in  
45 sections 10-220a and 10-145o, and such other services as agreed to by  
46 such local or regional board of education and the exclusive bargaining  
47 representative. Such service fee shall be calculated on a per bargaining

48 unit employee basis and shall be paid directly to the exclusive  
 49 bargaining representative.

50 Sec. 2. Subsection (a) of section 10-153b of the general statutes is  
 51 repealed and the following is substituted in lieu thereof (*Effective*  
 52 *October 1, 2016*):

53 (a) Whenever used in this section or in sections 10-153c to 10-153n,  
 54 inclusive: (1) The "administrators' unit" means the professional  
 55 employee or employees in a school district or charter school not  
 56 excluded from the purview of sections 10-153a to 10-153n, inclusive, as  
 57 amended by this act, employed in positions requiring an intermediate  
 58 administrator or supervisor certificate, or the equivalent thereof, or  
 59 charter school educator permit, issued by the State Board of Education  
 60 under the provisions of section 10-145q, and whose administrative or  
 61 supervisory duties, for purposes of determining membership in the  
 62 administrators' unit, shall equal at least fifty per cent of the assigned  
 63 time of such employee. Certified professional employees covered by  
 64 the terms and conditions of a contract in effect prior to October 1, 1983,  
 65 shall continue to be covered by such contract or any successor contract  
 66 until such time as the employee is covered by the terms and conditions  
 67 of a contract negotiated by the exclusive bargaining unit of which the  
 68 employee is a member for purposes of collective bargaining pursuant  
 69 to the provisions of this section. (2) The "teachers' unit" means (A) the  
 70 group of professional employees who hold a certificate or durational  
 71 shortage area permit issued by the State Board of Education under the  
 72 provisions of sections 10-144o to 10-149, inclusive, and are employed  
 73 by a local or regional board of education in positions requiring such a  
 74 certificate or durational shortage area permit and are not included in  
 75 the administrators' unit or excluded from the purview of sections 10-  
 76 153a to 10-153n, inclusive, as amended by this act, and (B) the group of  
 77 professional employees who hold a certificate, durational shortage  
 78 area permit issued by the State Board of Education under the  
 79 provisions of sections 10-144o to 10-149, inclusive, or a charter school  
 80 educator permit issued by the State Board of Education under the

81 provisions of section 10-145q, and are employed by a charter school in  
 82 positions requiring such a certificate, durational shortage area permit  
 83 or charter school educator permit and are not included in the  
 84 administrators' unit or excluded from the purview of sections 10-153a  
 85 to 10-153n, inclusive, as amended by this act. (3) "Commissioner"  
 86 means the Commissioner of Education. (4) "To post a notice" means to  
 87 post a copy of the indicated material on each bulletin board for  
 88 teachers in every school in the school district or, if there are no such  
 89 bulletin boards, to give a copy of such information to each employee in  
 90 the unit affected by such notice. (5) "Budget submission date" means  
 91 the date on which a school district is to submit its itemized estimate of  
 92 the cost of maintenance of public schools for the next following year to  
 93 the board of finance in each town having a board of finance, to the  
 94 board of selectmen in each town having no board of finance and, in  
 95 any city having a board of finance, to said board, and otherwise to the  
 96 authority making appropriations therein. (6) "Days" means calendar  
 97 days. (7) "Organization" means any organization qualified as a tax-  
 98 exempt organization under Section 501(c)(5) of the Internal Revenue  
 99 Code of 1986, or any subsequent corresponding internal revenue code  
 100 of the United States, as amended from time to time.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2016</i>	10-153a
Sec. 2	<i>October 1, 2016</i>	10-153b(a)

***LAB***      *Joint Favorable*